

HAWAII STATE

HOUSE OF REPRESENTATIVES

REGULAR SESSION OF 2012

MINI JOURNAL

FLOOR REMARKS TO BE INSERTED

TENTH DAY

FEBRUARY 2, 2012

OFFICE OF THE CHIEF CLERK

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TENTH DAY

Thursday, February 02, 2012

The House of Representatives of the Twenty-Sixth Legislature of the State of Hawaii, Regular Session of 2012, convened at 12:10 o'clock p.m., with Speaker Say presiding.

The invocation was delivered by Uncle Joe Tassill, Former Capitol Tour Coordinator, after which the Roll was called showing all Members present with the exception of Representatives Belatti and Okamura, who were excused.

On motion by Representative Evans, seconded by Representative Pine and carried, reading of the Journal was dispensed with and the Journals of the First, Second, Third and Fourth Days were approved. (Representatives Belatti and Okamura were excused)

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 206 and 207) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 206, dated January 31, 2012, transmitting the Report on the Plans and Activities of the Public Land Development Corporation, prepared by the Department of Land and Natural Resources pursuant to Section 171C-20, HRS.

Gov. Msg. No. 207, dated February 1, 2012, transmitting the Report on Agencies that Delegate the Audit Responsibility and Transfer Funds, prepared by the Department of Accounting and General Services pursuant to Act 162, Section 116, SLH 2009.

SENATE COMMUNICATIONS

The following communication from the Senate (Sen. Com. No. 4) was received and announced by the Clerk:

Sen. Com. No. 4, dated February 1, 2012, informing the House that the following bill has this day passed Final Reading:

H.B. No. 905, HD 1, SD 1, CD 1

ORDER OF THE DAY

INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)

The following resolution (H.R. No. 18) was announced by the Clerk and the following action taken:

H.R. No. 18, entitled: "HOUSE RESOLUTION CONGRATULATING KA LEO O HAWAII ON THE OCCASION OF ITS 90TH ANNIVERSARY," was offered by Representative Nishimoto.

Representative Nishimoto moved that H.R. No. 18 be adopted, seconded by Representative Takai.

Representative Nishimura congratulated *Ka Leo O Hawaii* and its staff on 90 years of free college press, and introduced the honorees seated on the Floor of the House:

Mr. Will Caron, Editor-in-Chief;
Ms. Jaimie Kim, Managing Editor;
Mr. Reece Farinas, Marketing Director;
Mr. Ryan Tolman, UH Board of Publications Chairman; and
Mr. Davin Aoyagi, UH Board of Publications Member.

Representative Nishimoto also introduced guests seated in the Gallery:

Mr. Jay Hartwell, Student Media Advisor; and
Ms. Sandy Matsui, Board of Publications Advisor.

Representative Takai also congratulated *Ka Leo O Hawaii* for continuing to represent the voice of the students and others on campus.

Representative Takai then, on behalf of the students of *Ka Leo O Hawaii*, announced a presentation by Mr. Will Caron to Speaker Say of a past *Ka Leo* news article featuring then-graduate student, Calvin K.Y. Say.

Representative Rhoads acknowledged his former legislative intern from the 2011 Session, Mr. Davin Aoyagi.

Representative Ward recognized former *Ka Leo* editors, Ms. Beth Fukumoto, Director of the House Minority Research Office; and Mr. Marlo Ting of Representative Ward's Office.

Representative Brower congratulated the student journalists and noted the importance of a good newspaper to our city.

The motion was put to vote by the Chair and carried, and H.R. No. 18 was adopted, with Representatives Belatti and Okamura being excused.

REMARKS DELIVERED: Speaker Say

At 12:26 o'clock p.m. the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:44 o'clock p.m.

REPORTS OF STANDING COMMITTEES

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 36-12) recommending that H.B. No. 1696, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Energy & Environmental Protection and the Committee on Economic Revitalization & Business.

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 1696, HD 1, pass Second Reading and be referred jointly to the Committee on Energy & Environmental Protection and the Committee on Economic Revitalization & Business, seconded by Representative Evans.

REMARKS DELIVERED: Rep. Jordan

TO BE INSERTED: Rep. Jordan
(Submit by Tuesday, February 7)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1696, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL WASTES DISPOSAL AND RECYCLING," passed Second Reading and was referred jointly to the Committee on Energy & Environmental Protection and the Committee on Economic Revitalization & Business, with Representative Okamura being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 37-12) recommending that H.B. No. 2484, as amended in HD 1, pass Second Reading and be referred to the Committee on Energy & Environmental Protection.

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 2484, HD 1, pass Second Reading and be referred to the Committee on Energy & Environmental Protection, seconded by Representative Evans.

REMARKS DELIVERED: Rep. Takai
Speaker Say
Rep. Jordan

TO BE INSERTED: Rep. Jordan
(Submit by Tuesday, February 7)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2484, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRIC VEHICLES," passed Second Reading and was referred to the Committee on Energy & Environmental Protection, with Representative Okamura being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 38-12) recommending that H.B. No. 2485, as amended in HD 1, pass Second Reading and be referred to the Committee on Energy & Environmental Protection.

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 2485, HD 1, pass Second Reading and be referred to the Committee on Energy & Environmental Protection, seconded by Representative Evans.

REMARKS DELIVERED: Rep. Takai
Speaker Say
Rep. Cabanilla
Rep. Pine

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2485, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRIC VEHICLE PARKING," passed Second Reading and was referred to the Committee on Energy & Environmental Protection, with Representative Okamura being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 39-12) recommending that H.B. No. 2154, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2154, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL MANAGEMENT AREA USE PERMITS," passed Second Reading and was referred jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection, with Representative Okamura being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 40-12) recommending that H.B. No. 2590, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2590, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCE VIOLATIONS," passed Second Reading and was referred to the Committee on Judiciary, with Representative Okamura being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 41-12) recommending that H.B. No. 2480, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2480, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," passed Second Reading and was referred to the Committee on Finance, with Representative Okamura being excused.

Representative Chang, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 42-12) recommending that H.B. No. 2587, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2587, entitled: "A BILL FOR AN ACT RELATING TO SAILING SCHOOL VESSELS," passed Second Reading and was referred to the Committee on Judiciary, with Representative Okamura being excused.

Representatives Herkes and Keith-Agaran, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 43-12) recommending that H.B. No. 2018, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 2018, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

REMARKS DELIVERED: Rep. Riviere
Speaker Say
Rep. Riviere
Rep. Marumoto
Rep. Herkes
Rep. Keith-Agaran
Speaker Say
Rep. Pine
Rep. Ching
Rep. Rhoads
Rep. Riviere
Rep. Ward

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2018, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FORECLOSURES," passed Second Reading and was referred to the Committee on Finance, with Representative Riviere voting no, and with Representative Okamura being excused.

Representatives Herkes and Keith-Agaran, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 44-12) recommending that H.B. No. 2019, pass Second Reading and be referred to the Committee on Finance.

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 2019, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

REMARKS DELIVERED: Rep. Keith-Agaran
Speaker Say
Rep. Riviere
Rep. Marumoto
Rep. Ching
Rep. Pine
Rep. Ward
Rep. Herkes
Rep. Pine

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2019, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGES," passed Second Reading and was referred to the Committee on Finance, with Representative Okamura being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 45-12) recommending that H.B. No. 1723, pass Second Reading and be referred to the Committee on Public Safety & Military Affairs.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1723, entitled: "A BILL FOR AN ACT RELATING TO THE TRICARE PROGRAM," passed Second Reading and was referred to the Committee on Public Safety & Military Affairs, with Representative Okamura being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 46-12) recommending that H.B. No. 2072, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 2072, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

REMARKS DELIVERED: Rep. Awana

TO BE INSERTED: Rep. Awana
(Submit by Tuesday, February 7)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2072, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Judiciary, with Representative Okamura being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 47-12) recommending that H.B. No. 1957, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1957, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE INFORMATION," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, with Representative Okamura being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 48-12) recommending that H.B. No. 1708, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1708, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," passed Second Reading and was referred to the Committee on Judiciary, with Representative Okamura being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 49-12) recommending that H.B. No. 2114, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2114, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH INSURANCE EXCHANGE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Okamura being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 50-12) recommending that H.B. No. 1967, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1967, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL CLAIM CONCILIATION," passed Second Reading and was referred to the Committee on Judiciary, with Representative Okamura being excused.

Representative Yamane, for the Committee on Health presented a report (Stand. Com. Rep. No. 51-12) recommending that H.B. No. 2273, pass Second Reading and be referred to the Committee on Education.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2273, entitled: "A BILL FOR AN ACT RELATING TO CONCUSSIONS," passed Second Reading and was referred to the Committee on Education, with Representative Okamura being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 52-12) recommending that H.B. No. 1840, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 1840, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative Evans.

REMARKS DELIVERED: Rep. Ward
Rep. Ching
Rep. Rhoads
Rep. Pine
Rep. Souki
Rep. Ching
Speaker Say
Rep. Ching
Rep. Ward
Rep. McKelvey
Rep. Herkes
Rep. Takumi

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1840, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE-OWNED BANK," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representatives Ching and Ward voting no, and with Representative Okamura being excused.

Representative McKelvey, for the Committee on Economic Revitalization & Business presented a report (Stand. Com. Rep. No. 53-12) recommending that H.B. No. 1671, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1671, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Second Reading and was referred to the Committee on Finance, with Representative Okamura being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 54-12) recommending that H.B. No. 1765, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1765, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS FOR COUNTY EMPLOYEES," passed Second Reading and was referred to the Committee on Judiciary, with Representative Okamura being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 55-12) recommending that H.B. No. 2459, pass Second Reading and be referred to the Committee on Judiciary.

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 2459, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

REMARKS DELIVERED: Rep. Rhoads

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2459, entitled: "A BILL FOR AN ACT RELATING TO TORT LIABILITY," passed Second Reading

and was referred to the Committee on Judiciary, with Representative Okamura being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 56-12) recommending that H.B. No. 2608, pass Second Reading and be referred to the Committee on International Affairs.

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 2608, pass Second Reading and be referred to the Committee on International Affairs, seconded by Representative Evans.

REMARKS DELIVERED: Rep. Fontaine

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2608, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," passed Second Reading and was referred to the Committee on International Affairs, with Representative Okamura being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 57-12) recommending that H.B. No. 2322, pass Second Reading and be referred to the Committee on Energy & Environmental Protection.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 2322, entitled: "A BILL FOR AN ACT RELATING TO ETHANOL," passed Second Reading and was referred to the Committee on Energy & Environmental Protection, with Representative Okamura being excused.

Representative Keith-Agaran, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 58-12) recommending that H.B. No. 127, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Chong moved that the report of the Committee be adopted, and that H.B. No. 127, HD 2, be referred to the Committee on Finance, seconded by Representative Evans.

REMARKS DELIVERED: Rep. Souki
Rep. Fontaine
Rep. Manahan
Rep. Pine
Rep. C. Lee
Rep. Evans
Rep. Kawakami
Rep. Yamane
Rep. Johanson
Rep. Mizuno
Rep. Awana
Rep. Tokioka
Rep. Aquino
Rep. Cullen
Rep. Pine
Rep. Ching
Rep. Har
Rep. Ward
Rep. McKelvey
Rep. Riviere
Rep. Evans
Rep. Cabanilla
Rep. M. Lee
Rep. Yamane
Rep. Morikawa
Rep. Marumoto
Rep. Aquino
Rep. Ichiyama
Rep. Thielen
Rep. Herkes
Rep. Thielen
Rep. Pine
Rep. Wooley

TO BE INSERTED:

Rep. Johanson
Rep. Ching
Rep. M. Lee
Rep. Ichiyama

(Submit by Tuesday, February 7)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 127, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTHCARE," was referred to the Committee on Finance, with Representatives Aquino, Ching, Cullen, Fontaine, Har, Johanson, Pine, Riviere, Souki and Ward voting no, and with Representative Okamura being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 59-12) recommending that H.B. No. 1868, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1868, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS," passed Second Reading and was placed on the calendar for Third Reading, with Representative Okamura being excused.

Representative Nishimoto, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 60-12) recommending that H.B. No. 1997, as amended in HD 1, be recommitted to the Committee on Higher Education.

On motion by Representative Chong, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1997, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," was recommitted to the Committee on Higher Education, with Representatives Nakashima and Okamura being excused.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following concurrent resolution (H.C.R. No. 36) was referred to Printing and further action was deferred:

H.C.R. No. 36, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FOLLOW-UP AUDIT OF THE MANAGEMENT OF STATE BOATING FACILITIES BY THE DIVISION OF BOATING AND OCEAN RECREATION OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES," was jointly offered by Representatives Chang, Carroll, Coffman, Herkes, Ito, Nakashima, Riviere, Cabanilla and Har.

COMMITTEE ASSIGNMENTS

The following measures were referred to committee by the Speaker:

H.C.R.

Nos.

Referred to:

36 Committee on Water, Land, & Ocean Resources, then to the Committee on Legislative Management, then to the Committee on Finance

COMMITTEE REASSIGNMENTS

The following measures were re-referred to committee by the Speaker:

H.B.

Nos.

Re-referred to:

1997, Jointly to the Committee on Higher Education and the
HDI Committee on International Affairs, then to the Committee on
Finance

ADJOURNMENT

At 1:32 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Friday, February 03, 2012. (Representatives Nakashima and Okamura were excused.)